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EXAMINER

SING, SIMON P

ART UNIT

PAPER NUMBER

2645

DATE MAILED: 02/28/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/281,396

Applicant(s)

PELLETIER, DALE T.

Examiner

Simon Sing

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2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☐ Claim(s) \_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 6, 19 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Wakako Japanese Patent 61-184031.

The Wakako reference discloses a message registration telephone set in figure

2. The telephone set has a housing, a message alert and retrieval device 14, a plurality of dialing keys 15. Elements 14 and 15 are connected to a dialing interface (a telephone must have a dialing interface in order to function properly) mounted in the housing for communicating with a call management interface, which comprises a central processing unit 1, control devices 2 and 3, and memories 4 and 5. When a caller initiates a call and the called party's telephone is not answered, the caller's telephone number and the time of the call are transferred to the memory 5 associated with the called party by a control device 2 and the central processing unit 1. The control device 2 also lights up a lamp, which is an accessory to a message button 14, on the called party's telephone set to indicate that a message has arrived. The called party then

presses the message button 14, and by inherency, sends out a message retrieval control signal to control device 3 and the caller's telephone number and the time of the call are retrieved and displayed on a display 13.

Regarding claim 6, the Wakako telephone has a push button keypad and by inherency which is capable of generating the dual tone multi-frequency (DTMF) signal.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2-5, 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wakako in view of Sakurai et al., US Patent 5,586,172 and further in view of Kanzawa, US Patent 5,535,262.

Regarding claim 2, the Wakako reference teaches using a lighted message button to alert a called party of a message has been left at his absence, and the called party retrieves the message by pressing the message button and sends out a retrieval control signal, but Wakako fails specifically to teach that the retrieval control signal comprising a predetermined series of dialing digits. However, the Sakurai reference discloses a telephone exchange system for recording and retrieving voice messages in figure 1 in that an extension telephone dials a special number indicating a playback request in order to retrieve a message (column 6, lines 45-47). In addition, the

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Kanzawa reference, a private branch exchange (PBX) with recording function in figure 1, discloses an extension telephone in figures 2 and 3. The Kanzawa's telephone uses a microcomputer as the main control section and a function key 25, if pressed, generates a message retrieval request (column 5, lines 18-34). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Wakako reference with the teaching of Sakurai and Kanzawa so that the telephone set would have a microcomputer as its controller connected to the dialing interface, and the message key 14, if pressed, would have been programmed to send out a message retrieval control signal comprised of predetermined series of dialing digits as required by the call management interface. Because such a modification would have made the Wakako's telephone set suitable for most message retrieval systems, which required the extension telephone to dial different number as configurations changed.

Regarding claims 3 and 4, as discussed in claim 2, the Wakako's telephone set, modified by Sakurai and Kanzawa, has a microcomputer as a controller, which inherently has memory to store the predetermined series of dialing digits for initiation the message retrieval control signal, connected to its dialing interface and through the telephone line, to the call management interface.

Regarding claims 5 and 7, The Wakako reference teaches using a central processing unit as the call management interface but fails to specifically point out that the central processing unit can be a PBX. However, the Kanzawa reference discloses a PBX EX, with message recording and retrieving function, connected to extension

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telephones TEL1-TELn via telephone lines IL1-ILn in figure 1 (column 4, line 50-52).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Wakako reference with the teaching of Sakurai and Kanzawa so that the central processing unit was a PBX. Because such a modification would have made the Wakako's telephone suitable for other message recording and retrieving systems, such as the popular PBX.

Regarding claim 8, the Wakako reference teaches using a message button for message retrieval, but fails to teach that the message button is one of the plurality of dialing keys. However, as discussed in claim 2, the Wakako's message button, modified by Sakurai and Kansawa, can be programmed to dial a pre-determined number to retrieve a message. Therefore, the Wakako reference, modified by Sakurai and Kansawa, has a message key as one of the plurality of dialing keys.

5. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wakako in view of Tremmel, US Patent 5,409,239.

The Wakako reference teaches using a push-button switch to activate a message retrieval control signal, but fails to teach that the switch can be a touch-sensitive button. However, the Tremmel reference discloses a touch sensitive video game controller with touch sensitive buttons in figures 1-3, and states in its abstract: "The controller uses a number of electrically conductive contact points adapted to touch the skin of the hands of the user whereby the electrical resistance of the skin of the hands and fingers of the user to the passage of electric current from one or more of the

contact points will activate one or more switch circuits within the controller housing".

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Wakako reference with the teaching of Tremmel's so that the message button could be a touch sensitive one. Because such a modification would have been well within the teaching of Wakako, since using a touch sensitive switch instead of a push button switch was a design choice and besides, a push button switch could also be touch sensitive when its contacts were very close to each other and its spring were soft.

6. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wakako in view of Burgess, US Patent 6,031,465.

The Wakako reference teaches using a push-button switch to activate a message retrieval control signal, but fails to teach that the switch can be a membrane switch. However, the Burgess reference discloses a keyless entry system for vehicles in that membrane switches with backlight are used (figures 1,3, 5 and column 6, lines 9-11 and lines 24-27). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Wakako reference with the teaching of Burgess's so that the message button could be a membrane one. Because such a modification would have been well within the teaching of Wakako, since using a membrane switch instead of a push button switch was a design choice. In addition, a membrane switch could be considered as a push button switch it had to be pushed (not toggled or rotated) to make contact.

7. Claims 11 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wakako in view of Kavanaugh et al., US Patent 6,223,233.

The Wakako reference teaches using a push-button switch to activate a message retrieval control signal, but fails to teach that the switch comprises a touch screen graphical icon and the light source is a liquid crystal (LCD) element. However, the Kavanaugh reference, a wallet for personal information device in figure 1, comprises a LCD touch-panel 12 (column 2, lines 1-2) and states in column 4, lines 37-39: "The user selects any one of the displayed icons to implement the corresponding organizer feature". Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Wakako reference with the teaching of Kavanaugh's so that the message button could be an icon on a touch-panel and the light source was a LCD element. Because such a modification would have enabled a user to identify the media type of a message on a LCD display, if the call message interface could generate different icons for different messages such as voice mail, e-mail or call-back to an extension telephone.

8. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wakako, Japanese Patent 61-184,031.

The Wakako reference teaches using a push-button switch, with a build-in lamp as its light source, to activate a message retrieval control signal. Wakako does not specifically point out that the lamp is located directly beneath the message key.



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However, it was well known in the art that when if a push button switch had a build-in lamp (or light), the lamp (or light) was located beneath (or behind, depending on the way a switch was mounted) the switch, such as some television sets and radios' power-on/ff switches. When the power was turned-on, the lamp (or light) behind the switch was on. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Wakako reference to place the light source directly beneath the message key. Because such a modification would have been well within the teaching of Wakako, and placing a light source beneath the message key was a design choice, which would have made it easier for a user to locate and push the right key.

9. Claims 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wakako in view of McPherson et al., US Patent 5,952,731.

The Wakako reference teaches using a push-button switch, with a lamp as its light source, to activate a message retrieval control signal, but fails to teach that the lamp is a LED mounted below the upper surface of the message key. However, the McPherson reference discloses a keyless entry system for vehicles in that LEDs are mounted below the upper surface of the switches (figure 2 and column 2, lines 19-27). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Wakako reference with the teaching of McPherson's so that the message button could be have a LED mounted below its upper surface. Because such a modification would have been well within the teaching of Wakako,

since using a LED instead of a lamp was a design choice and a LED could also be classified as a lamp, and as discussed in claim 12, the message lamp of Wakako's reference was mounted below the upper surface of the message switch.

10. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wakako in view of Charlier, US Patent 5,153,590.

The Wakako reference teaches using a push-button switch, with a lamp as its light source, to activate a message retrieval control signal, but fails to teach using a LED and a light pipe to direct the light to the upper surface of the message key. However, the Charlier reference in figure 1, discloses a keypad apparatus in that lights from LEDs are directed by a light pipe element 105 to the keys' elements 103 (column 3, lines 47-49). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Wakako reference with the teaching of Charlier's so that the light source assembly would have comprised a LED and a light pipe so that the light would have been directed to the upper surface of the message key. Because such a modification would have enabled a user to mount a light source away from the message key in case the message key assembly did not include a light source and also did not have room to put one in.

11. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wakako in view of Akiyama, US Patent 5,153,906.

The Wakako reference teaches using a push-button switch, with a build-in light source, to activate a message retrieval control signal, but fails to teach that the light source can be a matrix display assembly. However, the Akiyama reference discloses in figure 5, that a status lamp on a telephone set can be replaced by a matrix display to indicate the name of a recipient of a speed-dial key (column 6, lines 34-41). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Wakako reference with the teaching of Akiyama's so that the light source was a matrix display instead of a lamp. Because such a modification would have enabled the light source to show more information about the message such as the name of a caller or the number of messages had received.

12. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wakako, Japanese Patent 61-184031 in view of Kanzawa, US Patent 5,535,262.

The Wakako reference discloses a message registration telephone set in figure 2. The telephone set has a housing, a handset 12, a message alert and retrieval device 14, a plurality of dialing keys 15. Elements 14 and 15 are connected to a dialing interface (a telephone must have a dialing interface in order to function properly) mounted in the housing for communicating with a call management interface, which comprises a central processing unit 1, control devices 2 and 3, and memories 4 and 5. When a caller initiates a call and the called party's telephone is not answered, the caller's telephone number and the time of the call are transferred to the memory 5 associated with the called party by a control device 2 and the central processing unit 1.

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The control device 2 also lights up a lamp, which is an accessory to a message button 14, on the called party's telephone set to indicate that a message has arrived. The called party then presses the message button 14, and by inherency, sends out a message retrieval control signal to control device 3 and the caller's telephone number and the time of the call are retrieved and displayed on a display 13. The Wakako reference fails to reach using a transceiver inside the housing for communicating between the dialing interface and the call management interface, although a telephone set must have such a transceiver in order to communicate with a telephone switching system. However, the Kanzawa reference discloses in figure 3, a block diagram of an extension telephone in that an interface circuit 28 acts as a transceiver to communicate between a dialing interface 29 and a talking circuit 27 to the call management interface, and its handset 22 has a transmitter 22b and a receiver 22a connected electrically to the talking circuit 27. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Wakako reference with the teaching of Kanzawa's so that the telephone set of Wakako would have a transceiver. Because such a modification would have been well with in the teaching of Wakako since a telephone set inherently had a transceiver for communicating with a telephone switching system.

### ***Conclusion***

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a). Panasonic telephone with message waiting key and lamp, model KX-T7130.
- b). Japanese Patent 05-022428. Telephone set control system for PBX.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Simon Sing whose telephone number is (703) 305 3221. The examiner can normally be reached on Monday - Friday from 8:30 AM to 5:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang, can be reached on (703) 305-4895. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9314. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-9600.

SS

February 22, 2002

FAN TSANG  
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